

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**ESTATE OF JESUS MALAVE MORALES,
Deceased,
by John R. Harrison, Administrator,**

Plaintiff,

-vs-

CITY OF CLEVELAND, et al.

Defendants.

Case No. 1:19-cv-02328

Judge Christopher A. Boyko
Magistrate Judge William H. Baughman, Jr.

**PLAINTIFF'S UNOPPOSED MOTION
FOR EXTENSION OF TIME (60 DAYS)
FOR SERVICE OF PROCESS**

Plaintiff, through counsel, respectfully moves this Court for an extension of time to perfect service of process. Plaintiff asks this Court for an additional 60 days to serve the individual defendants in this case, including: Kristina Vargo #5580, Stephens #5531, Timothy Holt #5715, George Brown #5654, Kevin Boll #5722, Alan Furtado, Elizabeth Hester, Stottner, and Joseph Raucher. Counsel for Defendant City of Cleveland has indicated that the City does not oppose this motion.

The current deadline for service, per Fed.R.Civ.P. 4(m), is January 2, 2020. Plaintiff has been able to serve the City of Cleveland, but not the individual defendants. The City of Cleveland ceased operating the Jail before Plaintiff's complaint was filed. Plaintiff asked the City to accept service for these defendants, but as they are no longer employees of the City after the Jail closed, the City has not accepted service. Many of the defendants have common names, have moved to new locations, and have otherwise proven challenging to locate for service, in spite of Plaintiff's continued efforts to locate them.

Plaintiff intends to attempt to obtain last-known-addresses and/or other relevant information for locating these defendants through discovery requests to the City. However, the

City recently obtained new counsel on December 20, 2019, and has not yet answered Plaintiff's complaint. Counsel for the City of Cleveland has informed counsel for Plaintiff that the City does not oppose this motion for extension of time to perfect service on these defendants.

Fed. R. Civ. P. 4(m) allows the court to "extend the time for service for an appropriate period" upon showing of good cause.¹ Plaintiff respectfully requests an additional 60 days to effect service on the remaining defendants in this case. Plaintiff has good cause to request this extension due to the number of defendants, prior attempts to locate these defendants, and the necessity of working with counsel for the City of Cleveland to obtain relevant information to locate these defendants.

This request has not been made for the purpose of undue delay or harassment. Instead, this request is made in good faith and for good cause, will not unfairly prejudice any party, and is necessary to ensure that Plaintiff has an adequate opportunity to serve all defendants in this case.

Respectfully submitted,

/s/ Jacqueline Greene
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¹ Even without a showing of good cause, the Court may grant an extension to perfect service. *Henderson v. United States*, 517 U.S. 654, 662-63, 134 L. Ed. 2d 880, 116 S. Ct. 1638 (1996); *Vergis v. Grand Victoria Casino & Resort*, 199 F.R.D. 216, 218 (S.D.Ohio 2000); *In re Aredia and Zometa Prod. Liab. Litig.*, No. 3:06-MD-1760, 2007 U.S. Dist. LEXIS 91767, 2007 WL 4376098, *2 (M.D. Tenn. Dec. 13, 2007); see also *Slenzka v. Landstar Ranger, Inc.*, 204 F.R.D. 322, 325-26 (E.D. Mich. 2001); *Burnett v. Martin*, No. 6:06-482-DCR, 2007 U.S. Dist. LEXIS 53939, 2007 WL 2156541, at *1-2 (W.D. Ky. July 24, 2007).

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CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Jacqueline Greene
JACQUELINE GREENE
One of the Attorneys for Plaintiff